

Correspondence Mail
BOX AF

BOX AF
RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: N.P. Formo Attorney Docket No. FPMI114707
Application No.: 09/520,947 Group Art Unit: 1761
Filed: March 8, 2000 Examiner: R. Madsen
Title: DOUBLE BAGGING SYSTEM

TRANSMITTAL LETTER FOR RESPONSE
AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

Seattle, Washington 98101

August 19, 2002

TO THE COMMISSIONER FOR PATENTS:

A. Response Transmittal

Transmitted herewith is a response in the above-identified application.

- X 1. No additional claim fee is required, as shown below.
_____ 2. The claim fee has been calculated as shown below.

COMPUTATION OF FEE FOR CLAIMS AFTER RESPONSE

	Claims Remaining After Response		Highest Number Previously Paid For		Present Extra		Rate		Additional Fee
Total Claims	11	Minus	24	=	0	x	9	=	0.00
Independent Claims	2	Minus	5	=	0	x	42	=	0.00

Total Additional Fee \$0.00
for this Response

RECEIVED
AUG 26 2002
TC 1700

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

B. Additional Fee Charges or Credit for Overpayment

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application. A copy of this sheet is enclosed.

Respectfully submitted,

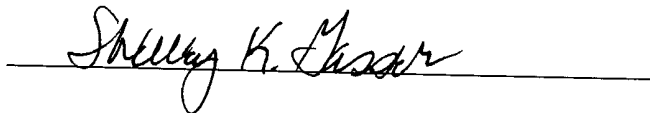
CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Ward Brown
Registration No. 28,400
Direct Dial No. 206.695.1716

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on the below date.

Date: August 19, 2002



WB:skg

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

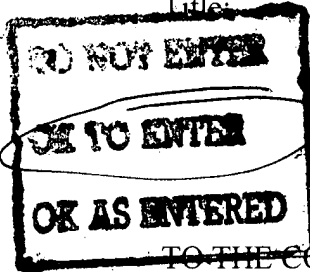


BOX AF
RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1700

9
08-27-02
DW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: N.P. Formo Attorney Docket No.: FPMI114707
Application No.: 09/520,947 Group Art Unit: 1761
Filed: March 8, 2000 Examiner: R. Madsen
Title: DOUBLE BAGGING SYSTEM



RESPONSE TO PAPER NO. 8

Seattle, Washington 98101

August 19, 2002

RECEIVED
AUG 26 2002
TC 1700

TO THE COMMISSIONER FOR PATENTS:

For the reasons discussed below, reconsideration of the Office Action dated June 19, 2002, in the above-identified application, is respectfully requested.

Claims 25-35 remain in the application, of which Claims 25 and 32 are independent. Claim 25 specifies a method for packaging a loaf of bread by feeding the loaf through an open first end of an inner preformed bag. The inner preformed bag has a closed second end. The closed second end has bag-weakening opening means to enable access to the loaf by a consumer through the second end of the inner bag (i.e., the end opposite the open end through which the loaf is fed into the bag). Thereafter, the first (open) end of the inner bag is closed, and the inner bag is heat shrunk to closely encircle the loaf. The next step is inserting the heat shrunk inner bag and enclosed loaf endwise through an open end of a preformed outer bag. The end opposite the open end of the outer bag is a closed end that is not configured for opening by a consumer, whereas the open end of the outer bag is configured for closing and reopening by a consumer. The inner bag is inserted second end last, i.e., the open end through which the loaf was fed into the inner bag is inserted first into the outer bag and therefore will be adjacent to the closed end of the outer bag and inaccessible to the consumer. Finally, the open end of the outer bag is closed.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

The bag-weakening opening means is presented to a consumer upon reopening of the outer bag, but no bag-weakening opening means is provided in the closed end of the outer bag. Further, the first end (originally open end) of the inner bag is not exposed by opening the outer bag.

The references cited by the Examiner disclose bagging systems in which perforations or other "bag opening means" are provided adjacent to the sealed or closed end of a bag in two situations:

(1) where both ends of the bag are sealed and the perforations are provided to assist in opening a sealed end of the bag; and

(2) where access to both ends of an enclosed loaf is desired.

More specifically, in the system of the Morris patent, an inner wrap is sealed at both ends. Perforations 23 are provided to assist in opening the inner wrap. The present invention constitutes an improvement over Morris. Because the Morris loaf is wrapped and sealed at both ends, perforations are provided to assist in opening the inner wrap. The equipment for providing the inner wrap is old, expensive to maintain, and does not always result in an efficient or attractive sealing at the ends.

The New Zealand patent of McEachen addresses a different perceived "problem" for bags for bread, but not double bags. McEachen felt that it would be desirable to provide a bag in which either end could be opened, such as for a loaf having bread cut at different thicknesses at opposite ends of a loaf. In that case, one end of the bag already is designed for reopening, namely, the open end of the bag through which the loaf is fed. In order to provide an opening mechanism in the opposite end of the bag, McEachen proposes different arrangements for a line of partial weakness at the otherwise normally closed end of the bag. The stated advantage is to provide a bag openable at both ends.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

The Examiner asserts that it would be "obvious" to modify the Morris system to use an inner bag of the type disclosed as the **only** bag of McEachen, and to insert the McEachen bag open end first into an outer bag of the type shown in Morris. This proposed "combination" is not understood. McEachen is concerned with providing a bag that can be opened at both ends. The outer bag of Morris can be opened only at one end. There is no motivation to insert a McEachen bag closed end last into an outer bag of the type shown in Morris. The McEachen bag already has an openable end that logically would be placed adjacent to the openable end of the outer bag of Morris. See, for example, the Williams patent relied on by the Examiner previously, where inner and outer bags have their openable mouth ends adjacent to each other. In the Examiner's construction, the openable end of the inner bag would serve no purpose because the consumer cannot obtain access to that end through the closed end of the outer bag. Further, counsel for applicant fails to see any motivation to use the McEachen bag as the **inner** bag of the Morris system. The McEachen bag more closely resembles the outer bag of Morris, with an inner wrapper.

As to applicant's heat shrinking step, the Examiner refers to the Theed patent. Theed is discussed in the Response to Paper No. 6, dated April 3, 2002. That patent does discuss placing a loaf of bread in a bag or wrap of heat shrinkable material and applying suction to the bag before closing it so that the bag contacts the surface of a loaf, followed by heating at a sufficient temperature and for a sufficient time to kill spores and bacteria. This is stated to achieve a long shelf life. When brought home, the inner wrap is removed and the loaf is stored in the outer bag. There is no disclosure or suggestion of applicant's method as a whole, or for any modification or "combination" with the other references of record that would result in the method as specified in Claim 25.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

It is again noted that the references show use of bag-weakening mechanism adjacent to the closed end of a bag only when it is desired that the bag be openable at both ends, or the bag is sealed at both ends. In applicant's claimed construction, the open end through which a loaf of bread is fed is inserted first through the open end of an outer bag, resulting in the open end of the inner bag being adjacent to the closed end of the outer bag -- with no bag-weakening or opening means provided in the closed end of the outer bag. Consequently, it is believed that upon reconsideration Claim 25, and dependent Claims 26-31, should be found to be allowable. Further, applicant's novel packaged product as set forth in Claims 32-35 is not shown or suggested in the references, and these claims also should be allowable.

If there are additional questions or objections concerning the application, it is respectfully requested that the Examiner telephone the undersigned.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

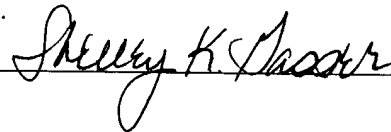


Ward Brown
Registration No. 28,400
Direct Dial No. 206.695.1716

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on the below date.

Date:

August 19, 2002



WB:gjm

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100